

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

|                                       |   |  |
|---------------------------------------|---|--|
| IN RE: DANIEL J. STAFFORD             | ) |  |
| KRISTIN M. STAFFORD                   | ) | CASE NO. 23-13123 (AMC)                        |
| <b><u>Debtor(s)</u></b>               | ) |  |
|                                       | ) |  |
| FIRST INVESTORS SERVICING CORPORATION | ) | CHAPTER 13                                     |
| <b><u>Moving Party</u></b>            | ) |  |
|                                       | ) | HEARING DATE: <b><u>1-3-24 at 11:00 AM</u></b> |
| v.                                    | ) |  |
|                                       | ) |  |
| DANIEL J. STAFFORD                    | ) | 11 U.S.C. 362                                  |
| KRISTIN M. STAFFORD                   | ) |  |
| <b><u>Respondent(s)</u></b>           | ) |  |
|                                       | ) |  |
| SCOTT F. WATERMAN                     | ) |  |
| <b><u>Trustee</u></b>                 | ) |  |

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Comes now First Investors Servicing Corporation (“First Investors”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. That on October 19, 2023, Daniel and Kristin Stafford filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362 and 28 U.S.C. 157 and 1334.
3. On November 30, 2020, the Debtor(s) entered into a retail installment contract for the purchase of a 2017 Lincoln MKZ bearing vehicle identification number 3LN6L5FC0HR656819. The contract was assigned to First Investors Servicing Corporation and the Debtors became indebted to First Investors in accordance with the terms of same. First Investors Servicing Corporation is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. The vehicle was repossessed prior to the bankruptcy filing.
5. The Debtors' account is past due in the amount of \$6,452.77 through November 2023.
6. As of November 21, 2023, the Debtors' account with First Investors had a net loan balance of \$23,564.84.
7. According to the November 2023 NADA Official Used Car Guide, the vehicle has a current retail value of \$17,900.00.
8. First Investors Servicing Corporation alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that First Investors lacks adequate protection of its interest in the vehicle as evidenced by the following:
  - (a) First Investors has possession of the vehicle, and requires stay relief in order to process and sell it.
  - (b) The Debtors are failing to make payments to First Investors and are failing to provide First Investors with adequate protection.

WHEREFORE PREMISES CONSIDERED, First Investors Servicing Corporation respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to First Investors to permit First Investors to seek its statutory and other available remedies; (2) that the stay terminate upon immediately upon entry of this Order, with a waiver of Fed.R.Bank.P., Rule 4001(a)(3) and (3) First Investors be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

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Local Counsel for First Investors Servicing Corporation